IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 532 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DEVABHAI KESHABHAI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 532 of 1999

MR G RAMAKRISHNAN for Appellant No.

THROUGH JAIL for Appellant No.

MR HL JANI Ld. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 27/10/2004

ORAL JUDGEMENT

1. This appeal is preferred by the appellant against the judgment and order dated 20.5.1999 delivered by the

ld. Addl. Sessions Judge, Sabarkantha at Himatnagar in Sessions Case No. 61/1998, whereby the present appellant came to be convicted for the offences punishable under sec. 376, 366 and 363 of Indian Penal Code. The appellant was sentenced to undergo R/I for 7 years and fine of Rs. 5000/-, in default, to undergo imprisonment of one year for the offence punishable under sec. 376 of Indian Penal Code, while for rest of two offences, punishment less than 7 years and fine was imposed upon the appellant.

2. Ld. advocate Mr. Ramakrishnan for the appellant and Mr.HL Jani ld. APP were heard in respect of the appellant.

3. Ld. APP Mr. HL Jani places on record jail remarks in respect of present appellant Devabhai Keshabhai Sargara, indicating that having earned remission of one year, 4 months and 23 days, the punishment awarded upon the appellant is fully served. It is also indicated that on completion of the sentence awarded upon the appellant, he is released from jail on 7.10.2003

4. In the above view of the matter, since the sentence awarded upon the appellant vide judgment and order impugned in this appeal, is fully served and since the appellant is released from jail, this appeal has now become infructuous and is required to be disposed of accordingly.

5. In the result, this appeal stands disposed of as having become infructuous.

(J.R. VORA, J.)
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